

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LASTRA,	:	
	:	<u>ORDER</u>
Plaintiff,	:	07 Civ. 7479 (BSJ) (GWG)
	:	
-v.-	:	
	:	
COLUMBIA UNIVERSITY, <u>et al.</u> ,	:	
	:	
Defendants.	:	
-----X	:	

GABRIEL W. GORENSTEIN, United States Magistrate Judge

In an Order dated June 9, 2008, the Court direct the parties to send letters to the Court giving their views as to whether there should be a stay of discovery in the instant case pending disposition of either the motion to remand in the instant case or entry of judgment in the 05 Civ. 3247 case. The Order also directed the parties to address the question of whether any briefing schedule needs to be set on the motion to amend the complaint in advance of the issuance of a ruling by Judge Jones on the motion to remand.

Stay of Discovery

Both defendants and plaintiff seeks a stay of discovery at least until disposition of the motion to remand. Accordingly, the stay is granted.

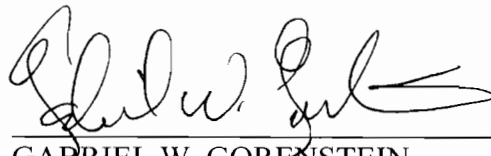
Motion to Amend

As an initial matter, the plaintiff asserts that the response to the motion to amend has long passed pursuant to Local Civil Rule 6.1 and that it should be granted on default. This request is denied. No party should be filing a motion without first requesting a pre-motion conference as required by paragraph 2.A of this Court's Individual Practices. The Court requires such a conference in part to order a briefing schedule, which did not occur here. Certainly, where such a motion is filed in violation of those practices, it would be better if the party opposing the motion contacts the Court to point out the problem. But this is no reason to grant the relief requested on default.

While the defendants assert that briefing on the motion to amend should be stayed, the Court believes it may assist Judge Jones in the decision on the motion to remand to address the propriety of the motion to amend. Accordingly, the pre-motion conference requirement is waived and defendants' response shall be filed by July 21, 2008. Any reply by plaintiff may be filed by July 31, 2008. The parties may agree on any reasonable change in these dates without Court Order as long as the change is disclosed in a letter to the Court.

SO ORDERED.

Dated: July 7, 2008
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

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